The FRAME of the

GOVERNMENT

OF THE

Province of Pennſilvania

IN

AMERICA:

Together with certain

LAWS

Agreed upon in England

BY THE

GOVERNOUR

AND

Divers FREE-MEN of the aforeſaid PROVINCE.

To be further Explained and Confirmed there by the firſt *Provincial Council* and *General Aſſembly* that ſhall be held, if they ſee meet.

Printed in the Year MDCLXXXII.

THE
PREFACE.

WHen the *Great* and *Wiſe God* had made the World, of all his Creatures it pleaſed him to chuſe *Man* his *Deputy* to Rule it: And to fit him for ſo great a Charge and Truſt, he did not only qualifie him with *Skill* and *Power*, but with *Integrity* to uſe them juſtly. This *Native Goodneſs* was equally his Honour and his Happineſs; and whilſt he ſtood here, all went well: There was no need of *Coercive* or *Compulſive means*; the Precept of *Divine Love* and *Truth*, in his own Boſom was the *Guide* and *Keeper* of his Innocency. But *Luſt* prevailing againſt *Duty*, made a lamentable Breach upon it; and the *Law*, that before had no Power over him, took place upon him and his Diſobedient Poſterity, that ſuch as would not live conformable to the *holy Law within*, ſhould fall under the Reproof and Correction of the *juſt Law without* in a Judicial Adminiſtration.

This the Apoſtle teaches in divers of his Epiſtles: *The Law* (ſays he) *was added becauſe of Tranſgreſſion:* In another place; *Knowing that the Law was not made for the Righteous Man, but for the Diſobedient and Ungodly, for Sinners, for Unholy and Prophane, for Murderers, for Whoremongers, for them that Defile themſelves with Mankind, and for Men-ſtealers, for Lyars, for Perjured Perſons, &c.* But this is not all, he opens and carries the matter of *Government* a little farther; *Let every Soul be ſubject to the higher Powers; for there is no Power but of God. The Powers that be, are ordained of God: Whoſoever therefore reſiſteth the Power, reſiſteth the Ordinance of God. For Rulers are not a Terror to good Works, but to Evil: Wilt thou then not be afraid of the Power, Do that which is good, and thou ſhalt have Praiſe of the ſame——He is the Miniſter of God to thee for good——Wherefore, ye muſt needs be ſubject, not only for Wrath, but for Conſcience ſake.* This ſettles the *Divine Right* of *Government* beyond Exception, and that for two ends: Firſt, *To Terrifie Evil-Doers*: Secondly, *To Cheriſh thoſe that do Well*; which gives *Government* a Life beyond Corruption, and makes it as *durable* in the World, as *Good Men* ſhall be. So that *Government* ſeems to me a part of *Religion* it ſelf, a thing *Sacred* in its *Inſtitution* and *End*: for if it does not directly remove the *Cauſe*, it cruſhes the *Effects* of *Evil*, and is as ſuch (though a lower, yet) an Emanation of the ſame *Divine Power*, that is both *Author* and *Object* of *Pure Religion*; the Difference lying here, that the One is more *Free* and *Mental*, the Other, more *Corporal* and *Compulſive* in its Operations: But that is only to *Evil-doers*; *Government* in it ſelf being otherwiſe as capable of *Kindneſs*, *Goodneſs* and *Charity* as a more private Society. They weakly Err, that think there is no other uſe for *Government*, than *Correction*, which is the courſeſt part of it: Daily experience tells us, that the Care and Regulation of many other Affairs, more ſoft and daily neceſſary, make up much the greateſt part of *Government*; and which muſt have followed the *Peopling* of the *World*, had *Adam* never fell, and will continue among Men on Earth under the higheſt Attainments they may arrive at, by the Coming of the bleſſed *Second Adam*, the *Lord from Heaven*. ——Thus much of *Government* in *General*, as to its Riſe and End.

For *particular Frames* and *Models*, it will become me to ſay little; and comparatively I will ſay nothing. My Reaſons are, *Firſt*, That the *Age* is too *nice* and *difficult* for it, there being nothing the *Wits* of *Men* are more *buſie* and *divided* upon. 'Tis true, they ſeem to agree in the *end*, to wit, *Happineſs*; but in the *means* they differ, as to Divine, ſo to this Humane *Felicity*; and the cauſe is much the ſame, not alwayes want of *Light* and *Knowledge*, but want of uſing them rightly. Men ſide with their *Paſſions* againſt their *Reaſon*; and their *ſiniſter Intereſts* have ſo ſtrong a Byaſs upon their minds, that they lean to them againſt the good of the things they know.

Secondly, I do not find a Model in the World, that *Time*, *Place* and ſome ſingular Emergencies have not neceſſarily alter'd; nor is it eaſie to frame a *Civil Government*, that ſhall ſerve all places alike.

Thirdly, I know what is ſaid by the ſeveral Admirers of *Monarchy*, *Ariſtocracy* and *Democracy*, which are the Rule of *One*, a *Few* and *Many*, and are the *Three Common Idea's* of *Government*, when men diſcourſe of that Subject. But I chuſe to ſolve the Controverſie with this ſmall Diſtinction, and it belongs to all *three*: Any *Government* is **Free** to the People under it (what-ever be the Frame) **where the Laws Rule, and the People are a Party to thoſe Laws**, and more then this is *Tyranny*, *Oligarchy* or *Confuſion*.

But *Laſtly*, when all is ſaid, there is hardly one *Frame* of *Government* in the World ſo ill deſign'd by its firſt Founders, that in *good hands* would not do well enough; and Story tells us, The *Beſt* in *Ill Ones* can do nothing that is *great* or *good*; witneſs the *Jewiſh* and *Roman* States. *Governments*, like Clocks, go from the motion Men give them; and as *Governments* are made and mov'd by *Men*, ſo by *Them* they are Ruin'd too: wherefore *Governments* rather depend upon *Men*, then *Men* upon *Governments*. Let *Men* be *good*, and the *Government* can't be *bad*; if it be *ill*, they will cure it: but if *Men* be *bad*, let the *Government* be never ſo *good*, they will endeavour to warp and ſpoil it to their Turn.

I know ſome ſay, *Let us have* **good Laws**, *and no matter for the* **Men** *that Execute them*: But let them conſider, that though *good Laws* do *well*, *good Men* do *better*; for *good Laws* may want *good Men*, and be aboliſhed or evaded by *ill Men*; but *good Men* will never want *good Laws* nor ſuffer *Ill Ones*. 'Tis true, *good Laws* have ſome Awe upon *Ill Miniſters*, but that is where They have not Power to eſcape or aboliſh them, and the People are generally wiſe and good: But a looſe and deprav'd People (which is to the Queſtion) love Laws and an Adminiſtration like themſelves. That therefore which makes a good Conſtitution muſt keep it; (*viz.*) *Men of Wiſdom and Virtue*; qualities, that becauſe they deſcend not with Worldly Inheritances, muſt be carefully propagated by a *virtuous Education* of Youth; for which After-Ages will owe more to the care and prudence of Founders and the ſucceſſive *Magiſtracy*, then to their *Parents* for their private Patrimonies.

Theſe Conſiderations of the Weight of *Government*, and the nice and various Opinions about It, made it uneaſie to Me to think of publiſhing the enſuing *Frame* and *Conditional Laws*, foreſeeing, both the Cenſures they will meet with from Men of differing Humors and engagements, and the occaſion they may give of diſcourſe beyond my deſign.

But next to the Power of *Neceſſity*, (which is a Solicitor that will take no denial) this induc'd me to a Compliance, that we have (with *Reverence* to *God* and *good Conſcience* to *Men*) to the beſt of our Skill contrived and compoſed the **Frame** and **Laws** of this **Government** to the great *End* of all *Government*, viz. **To ſupport Power in Reverence with the People, And to ſecure the People from the abuſe of Power**; that they may be *Free* by their *juſt Obedience*, and the Magiſtrates *Honourable* for their *juſt Adminiſtration*: For *Liberty* without *Obedience* is Confuſion, and *Obedience* without *Liberty* is Slavery. To carry this Evenneſs is partly owing to the *Conſtitution*, and partly to the *Magiſtracy*; where either of theſe fail, *Government* will be ſubject to *Convulſions*: but where *both* are wanting, it muſt be totally ſubverted: Then where *both* meet, the *Government* is like to endure: Which I humbly pray and hope, God will pleaſe to make the *Lot* of *This* of **Pennſilvania**: *Amen.*

William Penn.

THE

THE FRAME OF THE Government of Pennſilvania IN AMERICA, &c.

To all People, *to whom theſe Preſents ſhall come*:

WHEREAS **King Charles** the Second, by his Letters Patents, under the **Great Seal** of *England*, for the Conſiderations therein mentioned, hath been graciouſly pleaſed to Give and Grant unto Me **William Penn** (by the Name of **William Penn Eſquire**, Son and Heir of **Sir William Penn** deceaſed) and to My **Heirs** and **Aſſigns** forever, *All that Tract of Land or Province, called* **Pennſilvania**, *in* America, *with divers great Powers, Preheminencies, Royalties, Juriſdictions and Authorities neceſſary for the Well-being and Government thereof.*

Now Know Ye, That for the *Well-being* and *Government* of the ſaid *Province*, and for the *Encouragement* of all the **Free-men** and **Planters** that may be therein concerned, in purſuance of the Powers aforementioned, I the ſaid **William Penn** have *Declared*, *Granted* and *Confirmed*, and by theſe Preſents for **Me**, my **Heirs** and **Aſſigns** do *Declare*, *Grant* and *Confirm* unto all the **Free-men**, **Planters** and **Adventurers** of, in and to the ſaid Province Theſe **Liberties**, **Franchiſes** and **Properties** to be held, enjoyed and kept by the **Free-men**, **Planters** and **Inhabitants** of and in the ſaid *Province* of **Pennſilvania** forever.

Imprimis, That the *Government* of this *Province* ſhall, according to the *Powers* of the *Patent*, conſiſt of the **Governour** and **Free-men** of the ſaid *Province*, in the Form of a **Provincial Council** and **General Aſſembly**, by whom all *Laws* ſhall be made. Officers choſen and publick Affairs Tranſacted, as is hereafter reſpectively declared; That is to ſay,

II. That the **Free-men** of the ſaid *Province* ſhall on the *Twentieth* day of the Twelfth Moneth, which ſhall be in this preſent Year *One Thouſand Six Hundred Eighty and Two*, Meet and Aſſembly in ſome fit place, of which timely Notice ſhall be beforehand given by the **Governour** or his *Deputy*, and then and there ſhall chuſe out of themſelves **Seventy Two** Perſons of moſt Note for their *Wiſdom*, *Virtue* and *Ability*, who ſhall meet on the Tenth day of the Firſt Moneth next enſuing, and alwayes be called and act as the **Provincial Council** of the ſaid *Province*.

III. That at the first Choice of such **Provincial Council**, *One Third part* of the said **Provincial Council** shall be chosen to serve for Three Years then next ensuing, *One Third part* for Two Years then next ensuing, and *One Third part* for One Year then next following such Election, and no longer; and that the said *Third* part shall go out accordingly. And on the Twentieth Day of the Twelfth Moneth, as aforesaid, yearly, forever afterward, the **Freemen** of the said *Province* shall in like manner Meet and Assemble together, and then chuse *Twenty Four* Persons, being *One Third* of the said Number, to serve in **Provincial Council** for Three Years, it being intended, that *One Third* of the whole **Provincial Council** (alwayes consisting and to consist of Seventy Two Persons, as aforesaid) falling off Yearly, it shall be yearly supplied by such new yearly Elections as aforesaid. And that no one Person shall continue therein longer than Three Years: And in case any Member shall decease before the last Election, during his time, that then at the next Election ensuing his Decease, another shall be chosen to supply his place for the remaining time he was to have served, and no longer.

IV. That after the first Seven Years, every one of the said *Third parts* that goeth yearly off, shall be uncapable of being Chosen again for one whole Year following: That so all may be fitted for Government, and have Experience of the Care and Burden of it.

V. That the **Provincial Council** in all Cases and Matters of Moment, as their *Arguing upon Bills to be past into Laws, Erecting Courts of Justice, giving Judgment upon Criminals Impeached, and Choice of Officers in such manner as is herein after mentioned*, Not less than *Two Thirds* of the whole **Provincial Council** shall make a *Quorum*; and that the Consent and Approbation of *Two Thirds* of such *Quorum* shall be had in all such Cases or Matters of Moment. And moreover, that in all Cases and Matters of lesser Moment, Twenty Four Members of the said **Provincial Council** shall make a *Quorum*, the *Majority* of which twenty four shall and may always Determine in such Cases & Causes of lesser Moment.

VI. That in this **Provincial Council** the **Governour** or his *Deputy* shall or may alwayes *preside* and have a *Treble Voice*; and the said **Provincial Council** shall alwayes continue and sit upon its own *Adjournments* and *Committees*.

VII. That the **Governour** and **Provincial Council** shall prepare and propose to the **General Assembly**, hereafter mentioned, all **Bills**, which they shall at any time think fit to be past into Laws within the said *Province*; which **Bills** shall be Publisht and Affixed to the most noted Places in the Inhabited Parts thereof **Thirty** Dayes before the Meeting of the **General Assembly**, in order to the passing of them into Laws, or rejecting of them, as the **General Assembly** shall see meet.

VIII. That the **Governour** and **Provincial Council** shall take Care, that all *Laws*, *Statutes* and *Ordinances*, which shall at any time be made within the said *Province*, be duely and diligently Executed.

IX. That the **Governour** and **Provincial Council** shall at all times have the Care of the *Peace* and *Safety* of the *Province*; and that nothing be by any Person attempted to the Subversion of this Frame of Government.

X.

X. That the **Governour** and **Provincial Council** shall at all times settle and order the Scituation of all *Cities*, *Ports* and *Market-Towns* in every *County*, modelling therein all publick *Buildings*, *Streets* and *Market-Places*; and shall appoint all necessary *Roads* and *Highwayes* in the *Province*.

XI. That the **Governour** and **Provincial Council** shall at all times have Power to inspect the Management of the publick *Treasury*, and punish those who shall Convert any part thereof to any other use, than what hath been agreed upon by the **Governour**, **Provincial Council** and **General Assembly**.

XII. That the **Governour** and **Provincial Council** shall erect and order all *publick Schools*, and encourage and reward the Authors of *useful Sciences* and *laudable Inventions* in the said Province.

XIII. That for the better Management of the Powers and Trust aforesaid, the **Provincial Council** shall from time to time divide it self into Four distinct and proper Committees, for the more easie Administration of the Affairs of the Province, which divides the *Seventy Two* into four Eighteens, every one of which Eighteens shall consist of Six out of each of the *Three Orders* or *Yearly Elections*, each of which shall have a distinct portion of Business, as followeth. First, A *Committee* of **Plantations**, to scituate and settle Cities, Ports, Market-Towns and High-wayes, and to hear and decide all Suits and Controversies relating to *Plantations*. Secondly, A *Committee* of **Justice** and **Safety** to secure the Peace of the Province, and punish the Male-Administration of those who subvert Justice to the Preiudice of the publick or private Interest. Thirdly, A *Committee* of **Trade** and **Treasury**, who shall regulate all Trade and Commerce according to Law, encourage Manufacture and Country-growth, and defray the publick Charge of the *Province*. And Fourthly, A *Committee* of **Manners**, **Education** and **Arts**, that all Wicked and Scandalous Living may be prevented, and that *Youth* may be successively trained up in *Virtue* and *useful Knowledge* and *Arts*; the *Quorum* of each of which Committees being Six, that is, Two out of each of the three Orders or yearly Elections, as aforesaid, make a *constant* or *standing Council* of twenty four, which will have the Power of the **Provincial Council**, being the *Quorum* of it, in all Cases not excepted in the fifth Article; and in the said *Committees* and *standing Council* of the *Province*, the **Governour** or his *Deputy* shall or may *Preside*, as aforesaid. And in the Absence of the **Governour** or his *Deputy*; if no one is by either of them appointed, the said *Committees* or *Council* shall appoint a *President* for that time, and not otherwise; and what shall be *resolved* at such *Committees*, shall be reported to the said *Council* of the *Province*, and shall be by them *Resolved* and *Confirmed* before the same shall be put in Execution: And that these respective *Committees* shall not sit at one and the same time, except in cases of necessity.

XIV. And to the end that all Laws prepared by the **Governour** and **Provincial Council** aforesaid, may yet have the more full Concurrence of the **Free-men** of the *Province*, It is Declared, Granted and Confirmed, that at the time and Place or Places, for the Choice of a **Provincial Council**, as aforesaid, the said **Free-men** shall Yearly chuse *Members* to serve in a **General Assembly**, as their *Representatives*, not exceeding Two Hundred Persons, who shall Yearly meet on the Twentieth Day of the second Moneth, which shall be in the Year 1683. following, in the *Capital Town* or *City* of the said

Province, where during Eight Dayes the ſeveral *Members* may freely Confer with one another; and if any of them ſee meet, with a *Committee* of the **Provincial Council** (conſiſting of *Three* out of each of the Four *Committees* aforeſaid, being *Twelve* in all) which ſhall be at that time purpoſely Appointed to receive from any of them Propoſals for the Alteration or Amendment of any of the ſaid propoſed and promulgated *Bills*; and on the Ninth Day from their ſo meeting, the ſaid **General Aſſembly**, after the reading over of the propoſed *Bills* by the Clark of the **Provincial Council**, and the Occaſions and Motives for them being opened by the **Governour** or his *Deputy*, ſhall give their **Affirmative** or **Negative**, which to them ſeemeth beſt, in ſuch manner as hereafter is expreſt: But not leſs than *two Thirds* ſhall make a *Quorum* in the Paſſing of Laws and Choice of ſuch Officers as are by them to be Choſen.

XV. That the Laws ſo prepared and propoſed as aforeſaid, that are Aſſented to by the **General Aſſembly**, ſhall be Enrolled, as Laws of the *Province*, with this Stile, **By the Governour, with the Aſſent and Approbation of the Free-men in Provincial Council and General Aſſembly.**

XVI. That for the better Eſtabliſhment of the *Government* and *Laws* of this *Province*, and to the end there may be an Univerſal Satisfaction in the laying of the *Fundamentals* thereof, the **General Aſſembly** ſhall or may for the firſt Year conſiſt of all the **Free-men** of and in the ſaid Province; and ever after it ſhall be yearly Choſen, as aforeſaid: which Number of **Two Hundred** ſhall be Enlarged as the Country ſhall Encreaſe in People, ſo as it do not Exceed **Five Hundred** at any time: The Appointment and Proportioning of which, as alſo the *Laying* and *Methodizing* of the Choice of the **Provincial Council** and **General Aſſembly** in future times moſt Equally to the Diviſion of the *Hundreds* and *Counties*, which the *Country* ſhall hereafter be divided into, ſhall be in the Power of the **Provincial Council** to *Propoſe*, and the **General Aſſembly** to *Reſolve*.

XVII. That the **Governour** and the **Provincial Council** ſhall Erect from time to time *ſtanding Courts of Juſtice* in ſuch Places and Number, as they ſhall judge Convenient for the good Government of the ſaid *Province*. And that the **Provincial Council** ſhall on the *Thirteenth Day* of the Firſt Moneth Yearly Elect and Preſent to the **Governour** or his *Deputy* a double Number of Perſons to ſerve for *Judges*, *Treaſurers*, *Maſters* of *Rolls* within the ſaid *Province* for the Year next enſuing. And the **Free-men** of the ſaid *Province* in their *County-Courts*, when they ſhall be erected, and till then, in the **General Aſſembly** ſhall on the *Three and Twentieth* Day of the Second Moneth yearly Elect and Preſent to the **Governour** or his *Deputy* a *Double Number* of Perſons to ſerve for *Sheriffs*, *Juſtices* of *Peace* and *Coroners* for the Year next enſuing; Out of which Reſpective *Elections* and *Preſentments* the **Governour** or his *Deputy* ſhall Nominate and Commiſſionate the proper Number for each Office the *Third day* after the ſaid reſpective Preſentments, or elſe the Firſt named in ſuch Preſentment for each Office ſhall ſtand and ſerve for that Office the Year enſuing.

XVIII. **But** for as much as the preſent Condition of the *Province* requires ſome *Immediate Settlement*, and admits not of ſo quick a Revolution of *Officers*, and to the end the ſaid *Province* may with all convenient Speed be well ordered and ſettled, I **William Penn** do therefore think fit to Nominate and Appoint ſuch Perſons for *Judges*, *Treaſurers*, *Maſters of the Rolls*, *Sheriffs*, *Juſtices of the*

the Peace and *Coroners*, as are moſt fitly qualified for thoſe Employments; to whom I ſhall make and grant *Commiſſions* for the ſaid *Offices*, reſpectively to hold to them to whom the ſame ſhall be granted, for ſo long time as every ſuch Perſon ſhall *Well behave himſelf* in the *Office* or Place to him reſpectively granted, and no longer. And upon the Deceaſe or Diſplacing of any of the ſaid Officers, the ſucceeding Officer or Officers ſhall be choſen as aforeſaid.

XIX. That the **General Aſſembly** ſhall continue ſo long as may be needful to *Impeach Criminals*, fit to be there Impeached, to *paſs Bills* into Laws, that they ſhall think fit to paſs into Laws, and till ſuch time as the **Governour** and **Provincial Council** ſhall declare, That they have nothing further to propoſe unto them for their Aſſent and Approbation: And that *Declaration* ſhall be a Diſmiſs to the **General Aſſembly** for that time; which **General Aſſembly** ſhall be notwithſtanding capable of Aſſembling together upon the Summons of the **Provincial Council** at any time during that year, if the ſaid **Provincial Council** ſhall ſee occaſion for their ſo Aſſembling.

XX. That all the **Elections** of *Members* or *Repreſentatives* of the **People** to ſerve in **Provincial Council** and **General Aſſembly**, and all **Queſtions** to be determined by both or either of them that relate to *Paſſing* of *Bills* into *Laws*, To the *Choice* of *Officers*, To *Impeachments* made by the **General Aſſembly**, and *Judgment of Criminals upon* ſuch *Impeachments by the* **Provincial Council**, and to all other Caſes by them reſpectively judged of Importance, ſhall be reſolved and determined by the **Ballot**; and unleſs on Suddain and Indiſpenſible Occaſions, no Buſineſs in **Provincial Council**, or its reſpective **Committees** ſhall be finally determined the ſame day that it is moved.

XXI. And that at all times, when and ſo often as it ſhall happen, that the **Governour** ſhall or may be an *Infant* under the Age of One and Twenty years, and no *Guardians* or *Commiſſioners* are appointed in writing by the *Father* of the ſaid Infant, or that ſuch *Guardians* or *Commiſſioners* ſhall be deceaſed, that during ſuch Minority the **Provincial Council** ſhall from time to time, as they ſhall ſee meet, conſtitute and appoint *Guardians* or *Commiſſioners*, not exceeding *Three*, one of which three ſhall *Preſide* as *Deputy* and *Chief Guardian*, during ſuch *Minority*, and ſhall have and execute with the Conſent of the other *Two* all the Power of a **Governour** in all the publick Affairs and Concerns of the ſaid *Province*.

XXII. That as often as any day of the Moneth, mentioned in any Article of this Charter, ſhall fall upon the *Firſt Day* of the Week, commonly called the *Lords Day*, the Buſineſs appointed for that day ſhall be deferred till the next day, unleſs in caſe of Emergency.

XXIII. That no *Act*, *Law* or *Ordinance* whatſoever, ſhall at any time hereafter be made or done by the **Governour** of this *Province*, his **Heirs** or **Aſſigns**, or by the **Freemen** in the **Provincial Council**, or the **General Aſſembly**, to *Alter*, *Change* or *Diminiſh* the *Form* or *Effect* of this **Charter**, or any *Part* or *Clauſe* thereof, or contrary to the true Intent and Meaning thereof, *without the Conſent of the* **Governour**, *his* **Heirs** *or* **Aſſigns**, *and Six Parts of Seven of the ſaid* **Freemen** *in* **Provincial Council** and **General Aſſembly**.

XXIV. And *Laſtly*, That I, the ſaid **William Penn**, for **My Self**, my **Heirs** and **Aſſigns** have *Solemnly Declared*, *Granted* and *Confirmed*, and do hereby *Solemnly Declare*, *Grant* and *Confirm*, That neither **I**, My **Heirs** nor **Aſſigns** *ſhall procure or do any thing or things, whereby the* Liberties *in this* Charter *contained and expreſſed, ſhall be infringed or broken*: And if any thing be procured by any Perſon or Perſons contrary to theſe Premiſes, it ſhall be held of *no Force or Effect* **In Witneſs** whereof I the ſaid **William Penn** have unto this preſent **Charter** of **Liberties** ſet my Hand and Broad Seal this Five and Twentieth Day of the Second Moneth, vulgarly called *April*, in the Year of our Lord One Thouſand Six Hundred Eighty and Two.

William Penn.

LAWS

Laws agreed upon in England BY THE GOVERNOUR And Divers of the Free-Men of Pennſilvania,

To be further Explained and Confirmed there by the firſt *Provincial Council* and *General Aſſembly* that ſhall be held in the ſaid *Province*, if they ſee meet.

I. THAT the **Charter** of **Liberties** Declared, Granted and Confirmed the Five and Twentieth day of the Second Moneth called *April*, 1682. before divers Witneſſes by **William Penn**, **Governour** and *Chief Proprietor* of *Pennſilvania*, to all the **Free-men** and **Planters** of the ſaid *Province*, is hereby declared and approved, and ſhall be foreve. held for a *Fundamental* in the *Government* thereof, according to the Limitations mentioned in the ſaid *Charter*.

II. That every Inhabitant in the ſaid *Province* that is or ſhall be a Purchaſer of One Hundred Acres of Land or upwards, his Heirs and Aſſigns; and every Perſon who ſhall have paid his Paſſage, and taken up One Hundred Acres of Land at *One Penny* an Acre, and have cultivated *Ten Acres* thereof; and every Perſon that hath been a *Servant* or *Bonds-man*, and is *Free* by his *Service*, that ſhall have taken up his Fifty Acres of Land, and cultivated *Twenty* thereof; and every *Inhabitant*, *Artificer* or other, reſident in the ſaid Province, that payes **Scot** and **Lot** to the *Government*, **ſhall** be deemed and accounted a **Free-man** of the ſaid *Province*; and every ſuch Perſon ſhall and may be capable of Electing or being elected **Repreſentatives** of the People in **Provincial Council** or **General Aſſembly** in the ſaid *Province*.

III. That all **Elections** of Members or **Repreſentatives** of the People and Free-men of the *Province* of *Pennſilvania*, to ſerve in **Provincial Council** or **General Aſſembly**, to be held within the ſaid *Province*, ſhall be Free and Voluntary: And that the **Elector**, that ſhall receive any **Reward** or **Gift** in Meat, Drink, Moneys, or otherwiſe, ſhall forfeit his Right to Elect: And ſuch Perſon as ſhall directly or indirectly give, promiſe or beſtow any ſuch *Reward* as aforeſaid, to be *Elected*, ſhall forfeit his **Election**, and be thereby incapable to ſerve, as aforeſaid. And the **Provincial Council** and **General Aſſembly** ſhall be the *ſole Judges* of the Regularity or Irregularity of the **Elections** of their own reſpective Members.

IV. That no **Money** or *Goods* ſhall be raiſed upon, or paid by any of the People of this *Province*, by way of a publick **Tax**, Cuſtom or Contribution, but

by a *Law* for that purpoſe made: And whoſoever ſhall Leavy, Collect or Pay any **Money** or *Goods* contrary thereunto, ſhall be held a *publick Enemy* to the Province, and a *Betrayer* of the *Liberty* of the People thereof.

V. That all **Courts** ſhall be open, and *Juſtice* ſhall neither be ſold, denyed nor delayed.

VI. That in **Courts** all Perſons of **all Perſwaſions** may freely appear in *their own Way*, and according to *their own Manner*, and there Perſonally *Plead* their own Cauſe themſelves, or if unable, by their Friends. And the firſt *Proceſs* ſhall be the *Exhibition* of the Complaint in Court *Fourteen Dayes* before the Tryal. And that the Party complained againſt may be fitted for the ſame, he or ſhe ſhall be ſummon'd no leſs than *Ten Dayes* before, and a Copy of the Complaint delivered him or her at his or her Dwelling Houſe. But before the Complaint of any Perſon be received, he ſhall ſolemnly declare in Court, *That he believes in his Conſcience, his Cauſe is Juſt.*

VII. That all **Pleadings**, Proceſſes and Records in Courts ſhall be ſhort, and in *Engliſh*, and in an ordinary and plain Character, that they may be underſtood, and Juſtice ſpeedily adminiſtred.

VIII. That all **Tryals** ſhall be by **Twelve Men**, and as near as may be, *Peers* or *Equals*, and of the *Neighbourhood*, and men without juſt Exception. In caſes of *Life* there ſhall be firſt **Twenty Four** returned by the Sheriff for a **Grand Inqueſt**, of whom *Twelve* at leaſt ſhall find the Complaint to be true, and then the **Twelve Men** or *Peers*, to be likewiſe returned by the Sheriff, ſhall have the *final Judgment*. But reaſonable *Challenges* ſhall be alwayes admitted againſt the ſaid *Twelve Men*, or any of them.

IX. That all **Fees** in all Caſes ſhall be Moderate, and ſettled by the **Provincial Council** and **General Aſſembly**, and be hung up in a Table in every reſpective Court: And whoſoever ſhall be convicted of taking more, ſhall pay Twofold, and be diſmiſſed his Employment, one Moyety of which ſhall go to the party wronged.

X. That all **Priſons** ſhall be *Work-houſes* for *Felons*, *Vagrants* and Looſe and Idle Perſons, whereof one ſhall be in every County.

XI. That all *Priſoners* ſhall be Baylable by ſufficient Sureties, unleſs for *Capital Offences*, where the Proof is evident, or the Preſumption great.

XII. That all Perſons *Wrongfully Impriſoned*, or proſecuted at Law, ſhall have *Double Damages* againſt the *Informer* or *Proſecutor*.

XIII. That all *Priſons* ſhall be Free, as to *Fees*, *Food* and *Lodging*.

XIV. That all *Lands* and *Goods* ſhall be liable to pay **Debts**, except where there be *Legal Iſſue*, and then all the *Goods*, and *One Third* of the *Land* only.

XV. That all **Wills** in *Writing*, atteſted by *two Witneſſes*, ſhall be of the ſame Force, as to *Lands*, as other *Conveyances*, being legally proved within *Forty Dayes*, either within or without the ſaid *Province*.

XVI.

XVI. That *Seven Years quiet Poſſeſſion* ſhall give an Unqueſtionable Right, except in Caſes of *Infants, Lunaticks, Married Women*, or Perſons *beyond the Sea.*

XVII. That all *Briberies* and *Extortions* whatſoever ſhall be ſeverely puniſhed.

XVIII. That all **Fines** ſhall be moderate, and ſaving mens Contenements, Merchandize or Wainage.

XIX. That all **Marriages** (not forbidden by the Law of God, as to nearneſs of Blood and Affinity by Marriage) ſhall be encouraged; but the *Parents* or *Guardians* ſhall be firſt conſulted, and the *Marriage* ſhall be publiſhed before it be ſolemnized, & it ſhall be ſolemnized by *taking one another as Husband and Wife* before Credible Witneſſes: And a *Certificate* of the whole, under the hands of Parties and Witneſſes ſhall be brought to the proper Regiſter of that County, and ſhall be Regiſtred in his Office.

XX. And to prevent Frauds and Vexatious Suits within the ſaid Province, That all **Charters**, Gifts, Grants and Conveyances of Land (except Leaſes for a Year, or under) and all **Bills**, Bonds and Specialties above Five Pound, and not under three Moneths, made in the ſaid Province, ſhall be Enrolled or Regiſtred in the publick Enrollment-Office of the ſaid Province, within the ſpace of two Moneths next after the making thereof, elſe to be void in Law. And all **Deeds**, Grants and Conveyances of Land (except as aforeſaid) within the ſaid Province, and made out of the ſaid Province, ſhall be Enrolled or Regiſtred, as aforeſaid, within ſix Moneths next after the making thereof, and ſettling and conſtituting an Enrollment-Office or Regiſtry within the ſaid Province, elſe to be void in Law againſt all Perſons whatſoever.

XXI. That all Defacers or Corrupters of **Charters**, Gifts, Grants, Bonds, Bills, Wills, Contracts and Conveyances, or that ſhall deface or falſifie any Enrollment, Regiſtry or Record within this *Province*, ſhall make *Double* Satisfaction for the ſame; half whereof ſhall go to the Party wronged, and they ſhall be diſmiſt of all Places of Truſt, and be publickly diſgraced, as *Falſe Men.*

XXII. That there ſhall be a **Regiſter** for Births, Marriages, Burials, Wills and Letters of Adminiſtration diſtinct from the other Regiſtry.

XXIII. That there ſhall be a Regiſtry for all **Servants**, where their Names, Time, Wages, and Dayes of Payment ſhall be Regiſtred.

XXIV. That all Lands and Goods of **Fellons** ſhall be liable to make ſatisfaction to the Party wronged Twice the Value; and for want of Lands or Goods, the Fellon ſhall be Bonds-man, to work in the Common-Priſon or Work-houſe, or otherwiſe, till the Party injured be ſatisfied.

XXV. That the Eſtates of Capital Offenders, as **Traitors** and **Murderers**, ſhall go one third to the next of Kin to the Sufferer, and the remainder to the next of Kin to the Criminal.

XXVI. That all **Witneſſes** coming or called to teſtifie their Knowledge in or to any Matter or Thing in any Court, or before any lawful Authority within

the ſaid Province, ſhall there give or deliver in their Evidence or Teſtimony by ſolemnly Promiſing *To ſpeak the Truth, the Whole Truth, nd nothing but the Truth* to the Matter or Thing in queſtion. And in caſe any Perſon ſo called to Evidence, ſhall afterwards be convicted of Wilfull Falſehood, ſuch Perſon ſhall ſuffer and undergo ſuch Damage or Penalty as the Perſon or Perſons, againſt whom he or ſhe bore falſe Witneſs, did or ſhould undergo, and ſhall alſo make Satisfaction to the Party wronged, and be publickly expoſed as a *Falſe Witneſs*, never to be credited in any Court or before any Magiſtrate in the ſaid Province.

XXVII. And to the end that all **Officers** choſen to ſerve within this Province, may with more care and diligence anſwer the Truſt repoſed in them, It is agreed, that no ſuch Perſon ſhall enjoy more than one publick Office at one time.

XXVIII. That all **Children** within this Province of the Age of Twelve Years ſhall be taught ſome uſeful **Trade** or Skill, to the end none may be *Idle*, but the Poor may Work to live, and the Rich, if they become Poor, may not want.

XXIX. That **Servants** be not kept longer than their time; and ſuch as are Careful be both juſtly and kindly uſed in their Service, and put in fitting Equipage at the expiration thereof, according to Cuſtom.

XXX. That all Scandalous and Malicious *Reporters*, Backbiters, Defamers and Spreaders of falſe News, whether againſt Magiſtrates or private Perſons, ſhall be accordingly ſeverely puniſhed, as *Enemies* to the *Peace* and *Concord* of this *Province*.

XXXI. That for the Encouragement of the *Planters* and *Traders* in this *Province*, who are incorporated into a *Society*, the **Patent** granted to them by **William Penn, Governour** of the ſaid Province, is hereby ratified and confirmed.

XXXII.

XXXIII. That all **Factors** or *Correſpondents* in the ſaid Province wronging their *Employers*, ſhall make Satisfaction, and one third over to their ſaid *Employers*; and in caſe of the Death of any ſuch Factor or Correſpondent, the *Committee* of *Trade* ſhall take care to ſecure ſo much of the deceaſed Party's Eſtate as belongs to his ſaid reſpective Employers.

XXXIV. That all **Treaſurers**, Judges, Maſters of the Rolls, Sheriffs, Juſtices of the Peace, and other Officers or Perſons whatſoever, relating to Courts or Tryals of Cauſes, or any other Service in the Government, and all Members elected to ſerve in **Provincial Council** and **General Aſſembly**; and all that have Right to elect ſuch Members, ſhall be ſuch as profeſs **Faith** in **Jeſus Chriſt**, and that are not convicted of Ill Fame, or unſober and diſhoneſt Converſation, and that are of One and Twenty Years of Age at leaſt: and that all ſuch ſo qualified, ſhall be capable of the ſaid ſeveral Employments and Privi-

ledges, as aforeſaid.

XXXV.

XXXV. That all Persons living in this Province, who confess and acknowledge the One Almighty and Eternal God, to be the Creator, Upholder and Ruler of the World, and that hold themselves obliged in Conscience to live peaceably and justly in *Civil Society*, shall in no wayes be molested or prejudiced for their Religious Perswasion or Practice in matters of *Faith* and *Worship*, nor shall they be compelled at any time to frequent or maintain any Religious **Worship**, Place or **Ministry** whatever.

XXXVI. That according to the good Example of the Primitive Christians, and for the ease of the Creation, every *First Day* of the Week called the *Lords Day*, People shall abstain from their common daily Labour, that they may the better dispose themselves to Worship God according to their Understandings.

XXXVII. That as a Careless and Corrupt Administration of Justice draws the Wrath of God upon Magistrates, so the Wildness and Looseness of the People provoke the Indignation of God against a Country; Therefore,——— **That All** such Offences against God, as Swearing, Cursing, Lying, Prophane Talking, Drunkenness, Drinking of Healths, Obscene words, Incest, Sodomy, Rapes, Whoredom, Fornication and other uncleanness (not to be repeated:) **All** Treasons, Misprisions, Murders, Duels, Fellonies, Sedition, Mayhems, Forcible Entries and other Violencies to the Persons and Estates of the Inhabitants within this Province: **All** Prizes, Stage-Plays, Cards, Dice, May-games, Gamesters, Masques, Revels, Bull-baitings, Cock-fightings, Bear-baitings and the like, which excite the People to Rudeness, Cruelty, Looseness and Irreligion, shall be respectively discouraged and severely punished, according to the appointment of the **Governour** and **Free-men** in **Provincial Council** and **General Assembly**, as also all Proceedings contrary to these Laws, that are not here made expresly penal.

XXXVIII. That a Copy of these Laws shall be hung up in the **Provincial Council** and in publick Courts of Justice, and that they shall be read Yearly at the opening of every **Provincial Council** and **General Assembly** and Court of Justice, and their Assent shall be testified by their *standing up* after the reading thereof.

XXXIX. That there shall be at no time any Alteration of any of these Laws without the Consent of the **Governour**, his Heirs or Assigns, and Six parts of Seven of the **Free-men** met in **Provincial Council** and **General Assembly**.

XL. That **All** other Matters and Things not herein provided for, which shall and may concern the publick Justice, Peace or Safety of the said Province, and the raising and imposing Taxes, Customs, Duties, or other Charges whatsoever, shall be and are hereby referred to the Order, Prudence and Determination of the **Governour** and **Free-men** in **Provincial Council** and **General Assembly**, to be held from time to time in the said Province.

Signed and Sealed by the Governour *and* Free-men *aforesaid, this Fifth Day of the Third Moneth, called* May, *One Thousand Six Hundred Eighty and Two.*